



## Board of Adjustment Case Report

City of Raleigh  
Department of City Planning  
One Exchange Plaza  
Raleigh, NC 27601  
(919) 996-2682  
[www.raleighnc.gov](http://www.raleighnc.gov)

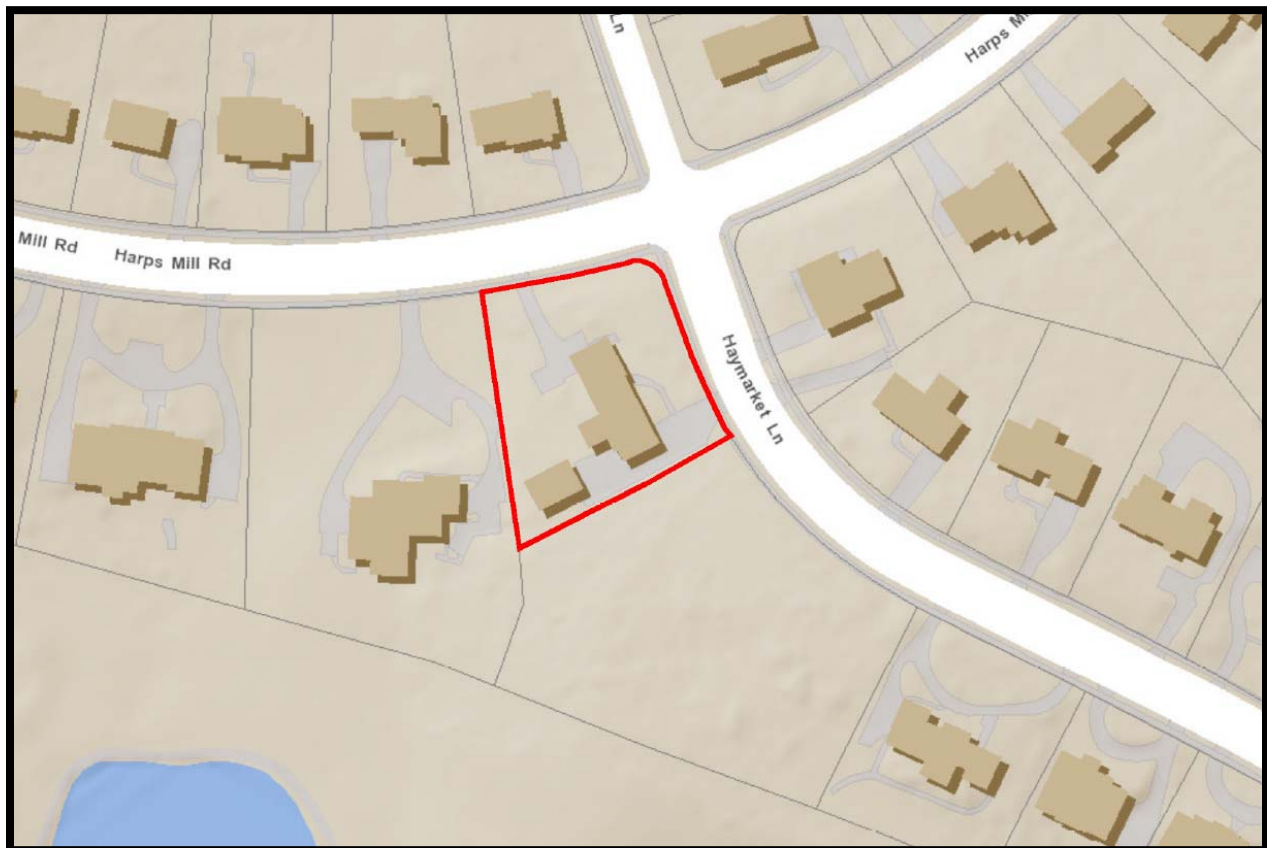
**Case File:** A-137-17

**Property Address:** 7521 Haymarket Lane

**Appellant:** Phillip Miller (nearby property owner)

**Project Contact:** Brian Edlin

**Nature of Case:** Phillip Miller, nearby property owner, requests an appeal of the administrative decision by the City of Raleigh to approve the subdivision of 7521 Haymarket Lane into two lots which is known as case S-27-17 / Gresham Lake View Subdivision.

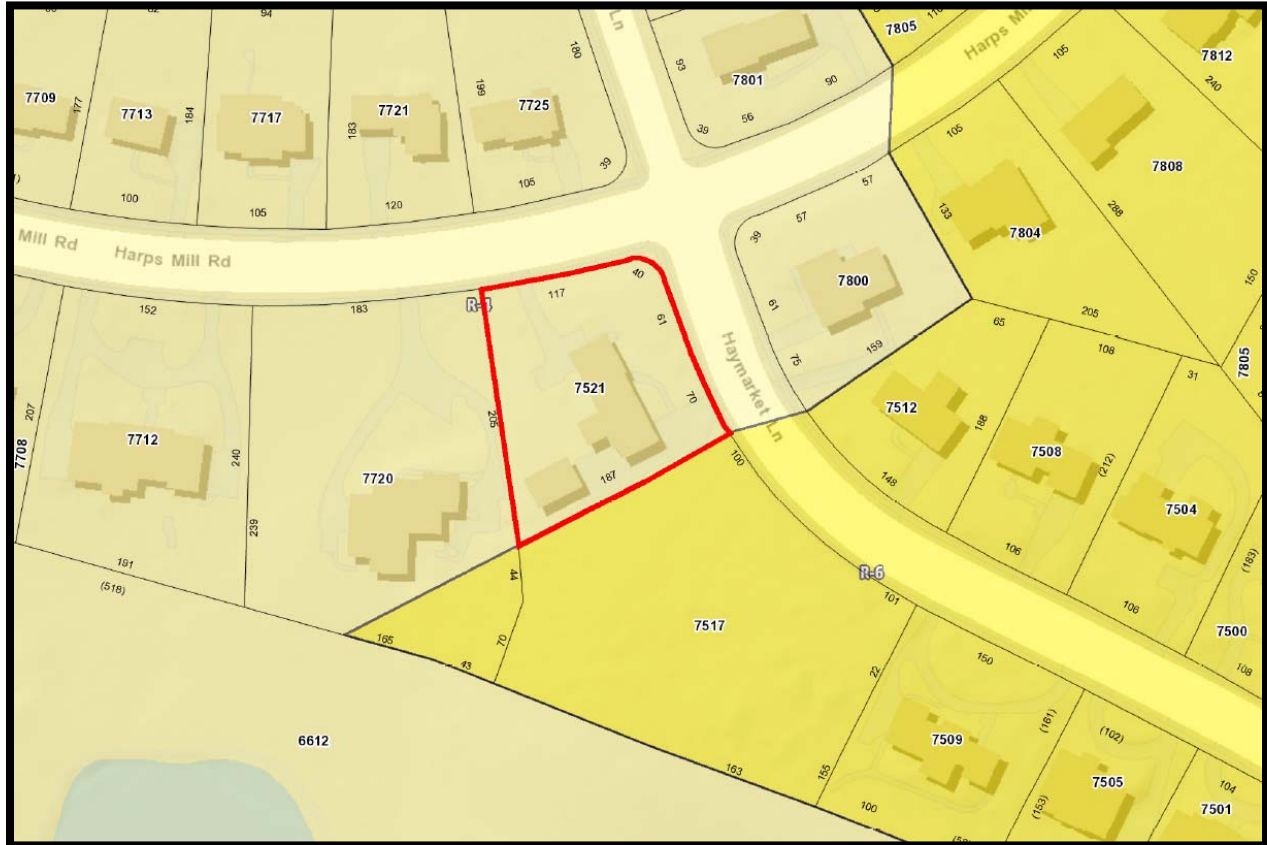


**7521 Haymarket Lane – Location Map**

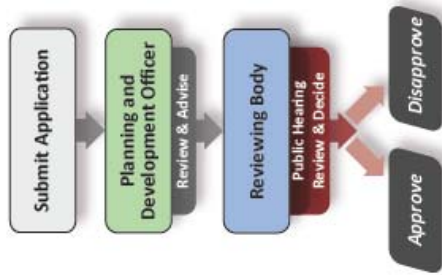
To BOA: 12-11-17

Staff Coordinator: Eric S. Hodge, AICP

**ZONING  
DISTRICTS:** Residential-4



**7521 Haymarket Lane – Zoning Map**



**Sec. 10.2.11. Appeal of an Administrative Decision**

**A. Applicability**

Any aggrieved person or any agency, officer, department, board or commission of the City, including the City Council, affected by any decision, order, requirement or determination relating to the interpretation, compliance or application of this UDO as made by an administrative official charged with the administration and enforcement of these provisions of the UDO may file an appeal in accordance with the requirements of this section.

**B. Reviewing Body**

Appeals of an administrative decision are heard by the Board of Adjustment except for Minor Work Certificates of Appropriateness, which are heard by the Raleigh Historic Development Commission.

**C. Stay of Proceedings**

1. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken (in most instances, this will be the Zoning Enforcement Administrator) certifies that, because of facts stated in the certificate, a stay would, in their opinion, cause imminent peril to life or property or that because the violation is transitory in nature, a stay would seriously interfere with the effective enforcement of this UDO. In that case, proceedings shall not be stayed except by a restraining order granted by of the reviewing body or a court, issued on application of the party seeking the stay, for due cause shown, with copy of notice to the officer from whom the appeal is taken.
2. An appeal shall not stop action lawfully approved; only actions claimed to be in violation of this UDO shall be stayed.

**D. Filing Requirements**

1. An appeal of any administrative decision shall be made by filing a written notice of appeal specifying the grounds for the appeal with the officer from whom the appeal is taken

Supp. No. 2

10 – 44  
Effective Date: September 01, 2013

and the reviewing body. Notice of appeal provided to the City Clerk is considered to be notice to the reviewing body.

2. Except when a different time period is established in this UDO, the notice of appeal shall be filed by persons who received either mailed notice or notice of decision pursuant to Sec. 10.2.1.C. within 30 days after the date of the application was decided; this time period is applicable to all representatives of such notified persons, including without limitation their tenants and option holders. For all other persons with standing, notice of appeal of any plot plan or site plan shall be filed within 30 days after the receipt from the earlier of any source of actual or constructive notice of the decision within which to file an appeal.

3. A notice of appeal of an administrative decision shall be considered made, when the notice of appeal is provided to the City Clerk and the officer from whom the appeal is taken. The date and time of filing shall be entered on the notice of appeal.

4. In addition to the notice of appeal, within 30 business days from the date of the notice of appeal, an application for an appeal of administrative decision shall be submitted to Planning and Development in accordance with Sec. 10.2.1.B.

**E. Approval Process**

**1. Planning and Development Officer Action**

- a. After notice of appeal is provided, the officer from whom the appeal is taken shall transmit to the reviewing body all the papers constituting the record upon which the action appealed from was taken.
- b. Planning and Development shall review the application for an appeal of an administrative decision in accordance with all applicable requirements of this UDO and advise the applicant.
- c. Planning and Development shall provide the notices required in Sec. 10.1.7. and Sec. 10.2.1.C.

Part 10A: Unified Development Ordinance  
City of Raleigh, North Carolina

**2. Reviewing Body Action**

Within 60 days after a completed application of an appeal of an administrative decision is filed, the reviewing body shall hold a quasi-judicial public hearing as set forth in Sec. 10.2.1.D.1. and provide notice as required in Sec. 10.2.1.C.6. Appeals filed to the City Manager shall not be heard at a quasi-judicial public hearing.

**F. Showings**

The showings for the reviewing body shall be those required for the original decision. The reviewing body may affirm or reverse the officer from whom the appeal is taken based on the applicable standards of this UDO.

Supp. No. 2

Part 10A: Unified Development Ordinance  
City of Raleigh, North Carolina

10 – 45  
Effective Date: September 01, 2013



## Administrative Action

### Preliminary Subdivision

City of Raleigh  
Development Plans Review Center  
One Exchange Plaza  
Raleigh, NC 27602  
(919) 996-2626  
www.raleighnc.gov

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**Case File / Name:** S-27-17 / Greshams Lake View

**General Location:** The site is located on the south side of Harps Mill Road, southwest of the intersection of Harps Mill Road and Hay Market Lane, inside the city limits. The address is 7521 Hay Market Lane and the PIN number is 1717471719.

**CAC:** North

**Nature of Case:** Subdivision of a 0.66 acre parcel into 2 lots zoned Residential-4 (R-4). Lot 1 is 13,122.8 square feet and Lot 2 is 13,719.2 square feet. Overall density is 2.68 units per acre, based on a maximum of 4 units per acre.

**Contact:** Alison A. Pockat, ASLA

**Design Adjustment:** Design Adjustments have been approved by the Development Services Designee for this project, noted below.

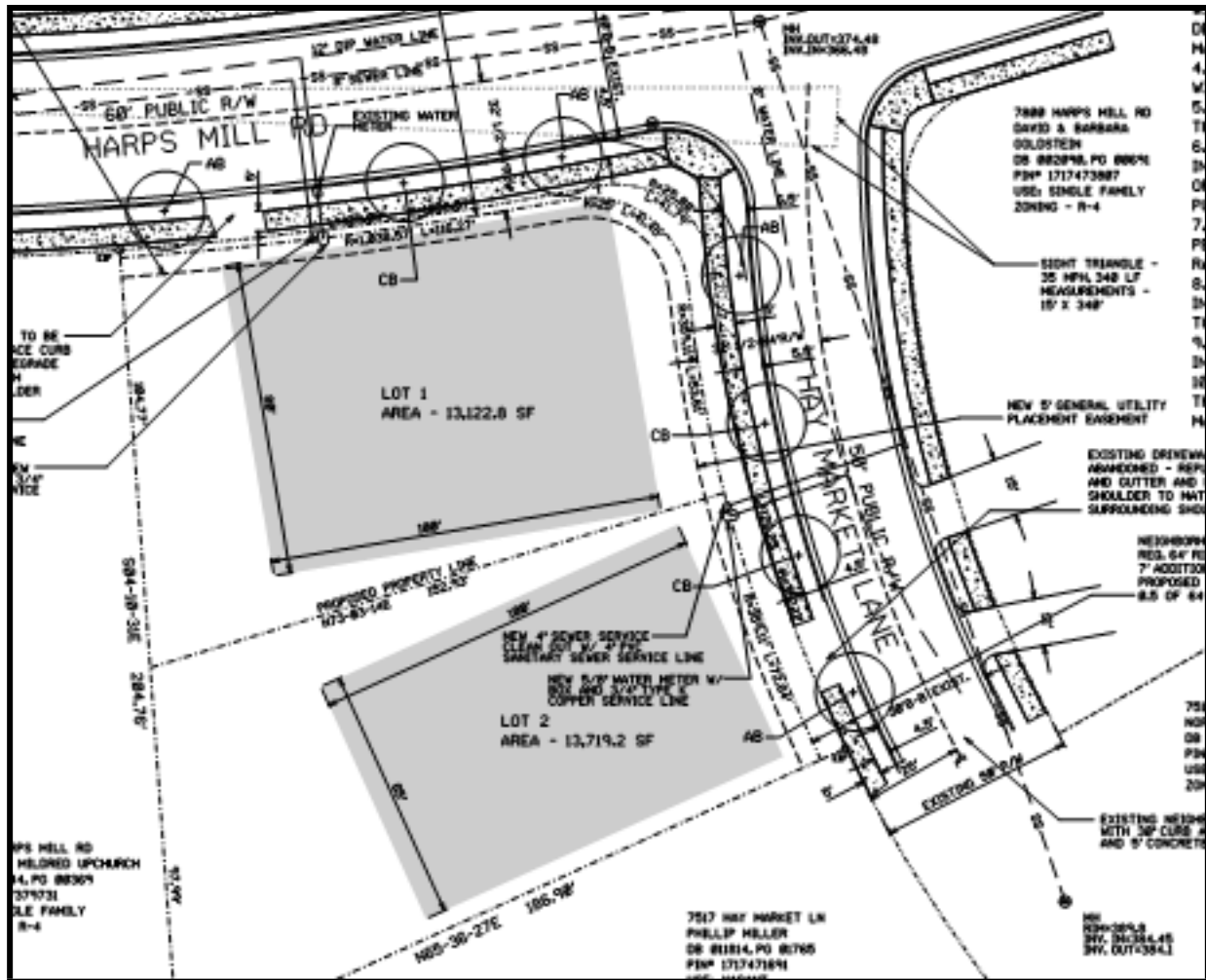
1. A Design Adjustment waiving the block perimeter requirement (UDO Section 8.3) has been approved by the Public Works Director Designee due to existing residential development.
2. A Design Adjustment permitting the required street trees for Hay Market Lane and Harp's Mill Road in a planting strip less than 6' in width. (UDO Section 8.5.2 D.)

**Administrative** NA  
**Alternate:**



Location Map





Preliminary Subdivision Map





# Design Adjustment Staff Response



**DEVELOPMENT  
SERVICES  
DEPARTMENT**

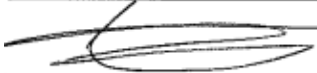
Development Services Customer Service Center | 1 Exchange Plaza, Suite 400 | Raleigh, NC 27601 | 919-996-2495  
Litchford Satellite Office | 8320 - 130 Litchford Road | Raleigh, NC 27601 | 919-996-4200

Per Section 10.2.18.C of the Unified Development Ordinance, the Development Services Director, or designee, shall consult with the heads of other City Departments regarding the review of the request. The Development Services Director, or designee, shall approve, approve with conditions or deny the request, but must do so within 60 days of the receipt of a completed application. Additional time may be necessary if a municipal or state entity is incorporated in the review process or if a detailed engineering study is submitted in conjunction with the request.

<b>PROJECT</b>	<b>Project Name</b> Greshams Lake View Subdivision	<b>Date completed Application received</b> 7/5/2017
	<b>Case Number</b> S-27-2017	<b>Transaction Number</b> 514577

<b>DEPARTMENT RESPONSE/RECOMMENDATION</b>	<b>Staff SUPPORTS</b> the Design Adjustment based upon the findings in these applicable code:			
	<input checked="" type="checkbox"/> UDO Art. 8.3 Blocks, Lots, Access		<input type="checkbox"/> UDO Art. 8.4 New Streets	
	<input checked="" type="checkbox"/> UDO Art. 8.5 Existing Streets		<input checked="" type="checkbox"/> Raleigh Street Design Manual	
	<input type="checkbox"/> Other			
	<b>DEPARTMENT</b>	<b>REPRESENTATIVE SIGNATURE</b>	<b>DEPARTMENT</b>	<b>REPRESENTATIVE SIGNATURE</b>
	<input type="checkbox"/> Dev. Services Planner		<input type="checkbox"/> City Planning	
	<input checked="" type="checkbox"/> Development Engineering	Kathryn Beaulieu	<input type="checkbox"/> Transportation	
	<input type="checkbox"/> Engineering Services		<input checked="" type="checkbox"/> PRCR	Mary Ann McNeely
	<input type="checkbox"/> Public Utilities			
<b>Findings:</b> This property being subdivided is on a corner lot in the North Ridge Subdivision and although the block perimeter is exceeded in relation to the proposed subdivision, per the UDO Section 8.3.6 (E), the presence of a golf course adjoining this property and the site layout of existing developed properties are two findings that allow this design adjustment. The street trees are being provided in the right-of-way in a planting strip between the curb and gutter and existing sidewalk. Due to the width of the planting strip being less than 6' wide, the trees being planted are medium sized trees as approved by the City standards.				

**Development Services Director or Designee Action:** Approve ☒ Approval with Conditions ☐ Deny ☐


 KENNETH W. RITCHIE, PE  
 AUTHORIZED SIGNATURE  
 8/18/2017  
 Date

\*The Development Services Director may authorize a designee to sign in his/her stead. Please print name and title next to signature.

<b>CONDITIONS</b>	
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Appeal of the decision from the Development Services Director, or his or her designee, shall be made in writing within 30 days to the Board of Adjustment (see Section 10.2.18.C3b).

## Design Adjustment Approval S-27-17

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**SUBJECT:** S-27-17 / Greshams Lake View

**CROSS-  
REFERENCE:** Transaction# 514577

**LOCATION:** The site is located on the south side of Harps Mill Road, southwest of the intersection of Harps Mill Road and Hay Market Lane, inside the city limits. The address is 7521 Haymarket Lane.

**PIN:** 1717471719

**REQUEST:** Subdivision of a 0.66 acre parcel into 2 lots zoned Residential-4 (R-4). Lot 1 is 13,122.8 square feet and Lot 2 is 13,719.2 square feet. Overall density is 2.68 units per acre, based on a maximum of 4 units per acre.

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**OFFICIAL ACTION:** Approval with conditions

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**CONDITIONS OF  
APPROVAL:**

*Prior to issuance of a grading permit for the site:*

- (1) That in accordance with Part 10A Section 9.4.4, a surety equal to the cost of clearing, grubbing and reseeding a site, shall be paid to the City;

*Prior to Planning Department authorization to record lots:*

- (2) That demolition permits for the existing structures be issued and these building permit numbers be shown on all maps for recording;
- (3) That a general utility placement easement and ½ of the required right of way for Hay Market Lane and Harps Mill Road is dedicated to the City of Raleigh and shown on the final subdivision map for recording;
- (4) That a fee-in-lieu for 1' of side walk is required for the entire frontage length of the lot on Harps Mill Road and Haymarket Lane;
- (5) That a tree impact permit is obtained from the urban forester in the Parks and Recreation Department for landscaping in the public right-of-way.
- (6) That in accordance with Part 10A Section 8.1.3, a surety equal to 125% of the cost of development related improvements, including streetscape trees on Harps Mill Road and Hay Market Lane is paid to the City.

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I hereby certify this administrative decision.

**Signed:**(Planning Dir.) Kenneth Brumfield (B) Date: 8/23/2017

**Staff Coordinator:** Daniel L. Stegall

SEE LAST PAGE FOR IMPORTANT INFORMATION ON THE NEXT STEP IN THE SUBDIVISION PROCESS.

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**FINDINGS:** City Administration finds that this request, with the above conditions being met, conforms to the Unified Development Ordinance including Chapter 2, Article 2.2, Sections 2.2.1. This approval is based on a preliminary plan dated July 31, 2017 owned by Tim Thompson of Raleigh Custom Homes., submitted by Alison A. Pockat.

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**ZONING:**

**ZONING DISTRICTS:** Residential-4 (R-4)

**TREE CONSERVATION:** This site is less than 2 acres and there are no existing trees that would qualify as tree conservation area on site that would be required under UDO 9.1. Tree Conservation is not required at this time.

**PHASING:** There is one phase in this development.

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**COMPREHENSIVE PLAN:**

**GREENWAY:** There is no greenway on this site.

**STREET PLAN MAP:** Dedication of right-of-way is required by the Street Plan Map of the Comprehensive Plan. Hay Market Lane is classified as a Neighborhood Street and Harps Mill road is classified as an Avenue 2-Lane Undivided.

Street Name	Designation	Exist R/W	Required R/W	Existing street (b to b)	Proposed street (b to b)	Slope Easement
Hay Market Lane	Neighborhood Street	50'	½-64'	30' B-B	30' B-B	None
Harps Mill Road	Avenue 2-Lane Undivided	60'	½-64'	40' B-B	40' B-B	None

**TRANSIT:** This site is presently not served by the existing transit system.

**COMPREHENSIVE PLAN:** This site is located in the North Citizen Advisory Council in an area designated for low density residential development.

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**SUBDIVISION  
STANDARDS:**

- LOT LAYOUT:** The minimum lot size in Residential-4 (R-4) zoning district is 10,000 square feet. The minimum lot depth in this zoning district is 100 feet. The minimum lot width of an interior lot in this zoning district is 65 feet. Lots in this development conform to the minimum standards of the corresponding zoning district.
- PUBLIC UTILITIES:** City water and sewer services are available. The subdivider is responsible for installation of all lines necessary to provide service to this site.
- SOLID WASTE:** Individual lot service by the City is to be provided.
- BLOCKS / LOTS /  
ACCESS:** Lot arrangement and access conform to Chapter 8 of the UDO. The Development Services Director Designee has approved a design adjustment application eliminating the block perimeter requirement of a new public street in this subdivision therefore; this development conforms to Chapter 8 of the UDO.
- STREETSCAPE  
TYPE:** The applicable streetscape type for Harps Mill Road and Hay Market Lane is Residential. The required streetscape trees will be planted in front of 5' sidewalks, within the existing planting strip behind the back of the curb for both streets. A Design Adjustment has been approved for the street planting in a planting strip less than 6' width. Medium sized street trees will be installed and maintained in accordance with the requirements of Chapter 2 of the Raleigh City Tree Manual.
- PEDESTRIAN:** A fee in lieu for 1' of sidewalk is required along both frontages is required prior to lot recordation. Access to the public right of way in addition to internal connection requirements is provided in accordance with 8.3.4 of the UDO.
- FLOOD HAZARD:** There are no flood hazard areas on this site.
- STORMWATER  
MANAGEMENT:** As adopted by TC-2-16 in the Unified Development Ordinance Section 9.2.2.A.1.b.i these lots are subject to 4.a of the Part 10A whereby the subdivision is exempt from active stormwater measures and subject to further review upon placement of impervious surface areas.
- WETLANDS  
/ RIPARIAN  
BUFFERS:** No wetland areas or Neuse River riparian buffers are required on this site.
- STREET NAMES:** There are no new streets being proposed with this development.
- OTHER  
REGULATIONS:** Developer shall meet all City requirements, including underground utility service, flood protection measures, and the soil erosion ordinance, unless specifically varied by this approval.

**SUNSET DATES:** If significant construction has not taken place on a project after preliminary subdivision approval, that approval may "sunset" and be declared void, requiring re-approval before permits may be issued. To avoid allowing this preliminary approval to "sunset", the following must take place by the following dates:

**3-Year Sunset Date:** 8-23-2020

Record entire subdivision.

**WHAT NEXT?:**

- MEET ALL CONDITIONS OF APPROVAL.
- COMPLETE INFRASTRUCTURE CONSTRUCTION DRAWINGS FOR ANY PUBLIC IMPROVEMENTS Streets, Utility lines to be owned and maintained by the City. and submit them to the Development Plans Review Center for approval.
- HAVE A REGISTERED SURVEYOR PREPARE FINAL PLATS FOR RECORDING. These also must be submitted to the Development Plans Review Center for authorization signature prior to recording with the Wake County Register of Deeds.
- MEET THE REQUIREMENTS OF THE SUNSET THRESHOLDS AS NOTED ABOVE.

**FACILITY FEES  
REIMBURSEMENT:**

If oversized street construction takes place, or greenway or oversized public street right-of-way is conveyed to the public, the owner is responsible for application to the City for reimbursement allowed by Code. Reimbursement takes place twice a year in January and July; a written request must be filed with the Planning Department for greenway and street right-of-way; and in the Public Works Department for street construction; by the first working day in November and May each year.



# Design Adjustment Staff Response



**DEVELOPMENT  
SERVICES  
DEPARTMENT**

Development Services Customer Service Center | 1 Exchange Plaza, Suite 400 | Raleigh, NC 27601 | 919-996-2495  
Litchford Satellite Office | 8320 - 130 Litchford Road | Raleigh, NC 27601 | 919-996-4200

Per Section 10.2.18.C of the Unified Development Ordinance, the Development Services Director, or designee, shall consult with the heads of other City Departments regarding the review of the request. The Development Services Director, or designee, shall approve, approve with conditions or deny the request, but must do so within 60 days of the receipt of a completed application. Additional time may be necessary if a municipal or state entity is incorporated in the review process or if a detailed engineering study is submitted in conjunction with the request.

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	<b>DEPARTMENT</b>	<b>REPRESENTATIVE SIGNATURE</b>	<b>DEPARTMENT</b>	<b>REPRESENTATIVE SIGNATURE</b>
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	<input checked="" type="checkbox"/> Development Engineering	<i>Kathryn Bear</i>	<input type="checkbox"/> Transportation	
	<input type="checkbox"/> Engineering Services		<input checked="" type="checkbox"/> PRCR	<i>Mary Ann Metcalf</i>
	<input type="checkbox"/> Public Utilities			
<b>Findings:</b> This property being subdivided is on a corner lot in the North Ridge Subdivision and although the block perimeter is exceeded in relation to the proposed subdivision, per the UDO Section 8.3.6 (E), the presence of a golf course adjoining this property and the site layout of existing developed properties are two findings that allow this design adjustment. The street trees are being provided in the right-of-way in a planting strip between the curb and gutter and existing sidewalk. Due to the width of the planting strip being less than 6' wide, the trees being planted are medium sized trees as approved by the City standards.				

**Development Services Director or Designee Action:** Approve ☒ Approval with Conditions ☐ Deny ☐

Authorized Signature

*KENNETH W. RITCHIE, PE*  
ENGINEERING MANAGER

Date

*8/18/2017*

\*The Development Services Director may authorize a designee to sign in his/her stead. Please print name and title next to signature.

<b>CONDITIONS</b>	
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Appeal of the decision from the Development Services Director, or his or her designee, shall be made in writing within 30 days to the Board of Adjustment (see Section 10.2.18.C3b).





# Appeal of Administrative Decision Application



**RALEIGH**  
DEPARTMENT OF  
CITY PLANNING



Department of City Planning | 1 Exchange Plaza, Suite 300 | Raleigh, NC 27601 | 919-996-2626

<b>Nature of appeal (If more space is needed, submit addendum on separate sheet):</b>  This is an appeal of a decision made by the planning department to subdivide Lot 5, North Ridge into two smaller lots which are inconsistent with the North Ridge plan and scheme of development and the Protective Covenants for North Ridge. Please see attached addendum for further details and basis for the appeal.		<b>OFFICE USE ONLY</b>  Transaction Number  <i>A-137-17</i>
Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions or Pre-Submittal Conferences in the spaces below. If this property was the subject of a previous Board action, provide the case number.		
514577		

GENERAL INFORMATION		
Property Address	7521 Haymarket Lane, Raleigh, NC	Date
		9/19/2017
Property PIN	1717471719	Current Zoning
		R4
Nearest Intersection	Harps Mill	Property size (In acres)
		.66
Property Owner Information		
Property Owner	Philip C. Miller	Phone
		919-414-2900
		Fax
Owner's Mailing Address	7712 Harps Mill Rd, Raleigh	Email
		Millers7501@aol.com
Contact Person Information		
Project Contact Person	Brian S. Edlin	Phone
		919-828-2501
		Fax
Contact's Mailing Address	1951 Clark Avenue, Raleigh	Email
		BEdlin@jordanprice.com
Property Owner Signature	<i>Philip C. Miller</i>	
	Email <i>MILLERS7501@AOL.COM</i>	
Notary	Notary Signature and Seal	
Sworn and subscribed before me this <i>18<sup>th</sup></i> day of <i>September</i> , 20 <i>17</i>	<i>Lauren McCloy Colvard</i>	
	<div style="border: 1px solid black; padding: 5px; text-align: center;">           LAUREN MCCLOY COLVARD            NOTARY PUBLIC            WAKE COUNTY, N.C.         </div>	

### **Addendum of Appeal of Administrative Decision Application**

Philip C. Miller, along with Mildred Upchurch and Barbara Goldstein are appealing the preliminary approval for the subdivision of the property at 7521 Haymarket Lane (Lot 5, North Ridge). The Owner of Lot 5, Raleigh Custom Homes, Inc. received preliminary approval to subdivide Lot 5 in transaction #514577. Lot 5 is subject to the Declaration for North Ridge recorded in Book 2068 Page 595 of the Wake County Register of Deeds and all amendments thereto, including, without limitation, Amendment to Declaration for North Ridge, Inc. recorded in Book 016910 Page 2567 of the Wake County Register of Deeds on 18 September 2017 ("the Declaration"). The Declaration prohibits subdivision of Lots. The Owners have kept Mr. Daniel Stegall in the City of Raleigh Planning Department, advised of the objections of most all the adjoining neighbors throughout Raleigh Custom Homes' subdivision request. The neighbors did not learn of this pending request until well after the application was initiated.

The subdivision of Lot 5 is inconsistent with the Declaration and the plan and scheme of development in North Ridge. The preliminary approval of the subdivision of Lot 5 is being appealed in an effort to preserve the character of the neighborhood the Owners have all invested and lived in for many years. The subdivision request we are objecting to is certainly inconsistent with the rest of the neighborhood. The subject property (7521 Haymarket Lane) only approximately 130' of frontage. Any subdivision of Lot 5 into two 65-75' wide Lots would be completely out of character with all properties in the neighborhood. All of the Lots have 100' minimum width and many in the 125'-150' range of frontage. The two immediate adjoining properties are 1.25 acres or more. The subdivision of Lot 5 would have a very serious negative financial impact on these adjoining properties if such out-of-character lot widths were

approved. The house widths that would be dictated, especially being a corner lot, would be unsightly and completely out of character with surrounding properties.

Further, the subdivision is illegal. The block perimeter is exceeded in relation to the proposed subdivision per UDO Section 8.3.6 (E). Also, the Declaration expressly prohibits subdivision of Lots. Accordingly, any final approval by the City of Raleigh to allow subdivision of the same would likewise be illegal.

## Brian Edlin

---

**From:** Brian Edlin  
**Sent:** Tuesday, September 19, 2017 4:08 PM  
**To:** 'Gail.smith@raleighnc.gov'  
**Cc:** 'Millers7501@aol.com'  
**Subject:** Notice of Intent to File Appeal (S-27-2017)

Ms. Smith-

Please consider this a Notice of Intent to File Appeal by my clients, Philip C. Miller, along with Mildred Upchurch and Barbara Goldstein, all of whom are Owners in North Ridge living in close proximity to the Lot in question. We are appealing the preliminary approval for the subdivision of the property at 7521 Haymarket Lane (Lot 5, North Ridge). The Owner of Lot 5, Raleigh Custom Homes, Inc. received preliminary approval to subdivide Lot 5 in transaction #514577 on or about 23 August 2017. It is this preliminary approval we are appealing. Per Eric Hodge's email to us from yesterday, we are giving you Notice of Intent to Appeal this preliminary approval of the subdivision of Lot 5.

Brian S. Edlin, Attorney at Law



1951 Clark Avenue | P.O. Box 10669 | Raleigh, North Carolina 27605  
919-828-2501 (Phone) | 919-831-4484 (Fax) | [bedlin@jordanprice.com](mailto:bedlin@jordanprice.com)

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Prepared by and return to: Brian S. Edlin, P.O. Box 10669, Raleigh, NC 27605

**STATE OF NORTH CAROLINA**  
**COUNTY OF WAKE**

**AMENDMENT TO DECLARATION  
FOR NORTH RIDGE, INC.**

This Amendment to Declaration for North Ridge, Inc., made and entered into this  
18<sup>th</sup> day of September, 2017, by the undersigned Lot Owners within North  
Ridge, Inc.

**WITNESSETH:**

WHEREAS, the Declaration of North Ridge, Inc. was recorded on or about 27  
April 1972 in Book 2068, Page 595 of the Wake County Registry (the "Declaration");  
and

WHEREAS, Article XIV of the Declaration provides that the said Declaration  
may be amended after the first 25-year period thereof by an instrument signed by a  
majority of the Lot Owners; and

WHEREAS, currently Lots 1, 2A, 4A, 5, 8, 14, 15, 16, 17, 18, 19, 20 and 20A shown  
on the maps recorded at books of maps 1972, page 107, book of maps 1981, page 439  
and book of maps 1999, page 2277 of the Wake County Register of Deeds are subject to  
the Declaration;

WHEREAS, the undersigned Owners of the Lots subject to the Declaration wish  
to preserve the plan and scheme of development, size and configuration of the Lots and  
the integrity of the existing neighborhood subject to the Declaration by preventing  
subdivision of Lots;

WHEREAS, a majority of the Lot Owners subject to the Declaration wish to  
amend Article III of the Declaration, by adding a provision stating that none of the  
foregoing Lots subject to this Declaration may be subdivided or otherwise divided into  
two or more Lots; and

Submitted electronically by "Jordan Price Wall Gray Jones & Carlton"  
in compliance with North Carolina statutes governing recordable documents  
and the terms of the submitter agreement with the Wake County Register of Deeds.

NOW, THEREFORE, the undersigned does hereby declare that the Declaration for North Ridge, Inc. be amended as follows:

1. To amend Article III of the Declaration by adding a new sentence as follows:

"ARTICLE III

LAND USE AND BUILDING TYPE. No Lot shall be used except for residential purposes. No building shall be erected, altered, placed or permitted to remain on any other lot other than one detached single family dwelling not to exceed two and one-half stories in height and a private garage for not more than two cars. No Lot subject to these protective covenants and Declaration shall be subdivided or otherwise divided into two or more Lots. It being the intent of this amendment that no more than thirteen (13) Lots shall remain subject to the Declaration."

IN WITNESS WHEREOF, the undersigned Lot Owners have hereunto set their hands and seals on the date first above written.



7725 Harps Mill Rd  
(Address of Owner)

Mildred M Upchurch  
(Name of Owner)

Mildred M. Upchurch (Seal)  
(Signature as printed)

7800 Harps Mill Rd.  
(Address of Owner)

Barbara K. Goldstein  
(Name of Owner)

Barbara K. Goldstein (Seal)  
(Signature as printed)

1412 Ravenhurst Dr.  
(Address of Owner)

Lisa M. Malmberg  
(Name of Owner)

Lisa M. Malmberg (Seal)  
(Signature as printed)

1408 Ravenhurst Dr.  
(Address of Owner)

Mary S. Greene  
(Name of Owner)

Mary S. Greene (Seal)  
(Signature as printed)

7713 Harps Mill Road  
(Address of Owner)

Brenda Griffin Burns  
(Name of Owner)

Brenda Griffin Burns (Seal)  
(Signature as printed)

7800 Harps Mill Rd  
(Address of Owner)

DAVID A GOLDSTEIN  
(Name of Owner)

David A. Goldstein (Seal)  
(Signature as printed)

1412 Ravenhurst Dr.  
(Address of Owner)

Dion J. Malmberg  
(Name of Owner)

Dion J. Malmberg (Seal)  
(Signature as printed)

1408 Ravenhurst Dr.  
(Address of Owner)

William S. Greene  
(Name of Owner)

William S. Greene (Seal)  
(Signature as printed)

7609 Haymarket Ln.

(Address of Owner)

Mervin L. Faulcon

(Name of Owner)

Mervin L. Faulcon (Seal)

(Signature as printed)

7709 Harps Mill Rd

(Address of Owner)

John Foster McNeill

(Name of Owner)

John Foster McNeill (Seal)

(Signature as printed)

\_\_\_\_\_  
(Address of Owner)

\_\_\_\_\_  
(Name of Owner)

\_\_\_\_\_  
(Signature as printed)

(Seal)

7609 Haymarket Ln.

(Address of Owner)

Carrie Helen J. Faulcon

(Name of Owner)

Carrie Helen J. Faulcon (Seal)

(Signature as printed)

\_\_\_\_\_  
(Address of Owner)

\_\_\_\_\_  
(Name of Owner)

\_\_\_\_\_  
(Signature as printed)

(Seal)

\_\_\_\_\_  
(Address of Owner)

\_\_\_\_\_  
(Name of Owner)

\_\_\_\_\_  
(Signature as printed)

(Seal)

NORTH CAROLINA

WAKE COUNTY

I <sup>cloy</sup> Lauren M. Colvard, a notary public of Wake County, North Carolina, certify that Thelma G. Miller below personally appeared before me this day, and being duly sworn, stated that in his/her presence the following individuals:

Mildred M. UpchurchBrenda Griffin BurnsBarbara K. GoldsteinDavid A. GoldsteinLisa M. MalmbergDion J. MalmbergMary S. GreeneWilliam S. GreeneMarvin L. FaulconCarrie Helen J. FaulconJohn Foster McNeill

signed the foregoing instrument.

Witness my hand and official seal, this the 18<sup>th</sup> day of September 2017.

Lauren M. Colvard  
Notary Public

My Commission Expires:

9/18/2022

LAUREN MCCLOY COLVARD  
NOTARY PUBLIC  
WAKE COUNTY, N.C.

CONSENTED TO:

Philip C. Miller  
Signature

7712 14 acres Mill Rd., Raleigh, N.C. 27615  
Address

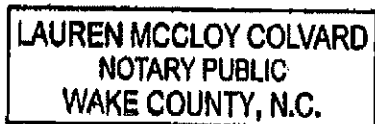
STATE OF NORTH CAROLINA

COUNTY OF WAKE

I, LAUREN MCCLOY COLVARD (printed name of notary), a Notary Public for the county and state aforesaid, certify that Philip C. Miller (printed name of signatory), of whose identity I have personal knowledge, personally appeared before me and acknowledged that the signature on the record presented is his/her signature and that s/he voluntarily executed the foregoing instrument for the purpose stated therein. Witness my hand and official stamp or seal, this 18<sup>th</sup> day of September, 2017.

Lauren McCloy Colvard  
Notary Public

My Commission Expires: 9/18/22



CONSENTED TO:

Thelma G. Miller

Signature

7712 Harps Mill Road Raleigh, NC 27615

Address

STATE OF NORTH CAROLINA

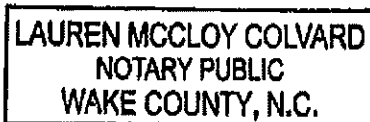
COUNTY OF WAKE

I, LAUREN MCCLOY COLVARD (printed name of notary), a Notary Public for the county and state aforesaid, certify that Thelma G. Miller (printed name of signatory), of whose identity I have personal knowledge, personally appeared before me and acknowledged that the signature on the record presented is his/her signature and that s/he voluntarily executed the foregoing instrument for the purpose stated therein. Witness my hand and official stamp or seal, this 18<sup>th</sup> day of September, 2017.

Lauren McCloy Colvard

Notary Public

My Commission Expires: 9/18/22







## Online Development Center

RALEIGH, NORTH CAROLINA



### Plan Review

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#### Development Plan Details

[Development Plans Search](#)

[Development Plans Search Results](#)

#### Plan Review Results:

The information you have requested is shown below:

**File Number:** S-27-2017  
**Plan Type:** SUBDIVISION  
**File Name:** GRESHAM LAKE VIEW  
**Major Street:** HAYMARKET LN

**Number of Acres:** 0.66  
**Number of Lots Requested:** 2  
**Number of Units Requested:**  
**Square Feet:** 0

**Zoning:** R-4  
**Planning District:**  
**CAC District:** NORTH  
**Map Number:** 1717.06

**Developer:** RALEIGH CUSTOM HOMES  
INC  
**Developer Phone:** (919) 395-1529  
**Plan Preparer:** ALISON POCKAT LANDSCAPE  
ARCHITECT  
**Contact Phone:** (919) 363-4415

**Submittal Date:** 05/17/2017  
**Action Date:** 08/23/2017  
**Action Taken:** A  
**Approved By:** Administration

**Coordinating Planner:** STEGALL, DANIEL

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## Online Development Center

RALEIGH, NORTH CAROLINA



Plan Review

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